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10/065,075

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David Allport

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EXAMINER

HONG, HYUN J

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/065,075	Applicant(s) ALLPORT, DAVID	
	Examiner HYUN HONG	Art Unit 2426	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-128, 161 and 162 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-128, 161 and 162 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 September 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to arguments filed on 5/13/11. In response, finality is withdrawn and prosecution is hereby reopened. Claims 1-128, 161, 162 are pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 1, 24-46, 56-78, 88-110, 120-128, 161, 162 rejected under 35 U.S.C. 103(a) as being unpatentable over Schein (US 6,412,110) in view of Ohno (US 2002/0066099).

Regarding claim 1, Schein discloses an electronic program guide system comprising (fig. 1):

A program grid including a plurality of cells, wherein each of said cells contains program information (fig. 1 (199)); and

A visual indicator of an active point in time disposed within said program grid (fig. 1(199))

Said program grid including an axis representing time (fig. 1);

Said visual indicator including a position corresponding to a single point in time of an active cell within said grid (fig. (199)).

Wherein a portion of said visual indicator specifying said active cell is visually different from another portion of said visual indicator (fig. 1(199) *the timeline is a dotted line*). wherein said visual indicator is moveable relative to the axis (col. 4 lines 7-21).

Schein does not disclose in response to user commands, and each up , down, left or right user command causes the visual indicator to move to and activate a different cell within the grid that is adjacent to the currently active cell, and wherein in response to a single user command, if the different cell is not currently visible in a currently displayed portion of the program grid, the single user command causes the system to scroll the plurality of cells in the program grid so that at least some part of the different cell is visible.

However, Ohno discloses in response to user commands, and each up , down, left or right user command causes the visual indicator to move to and activate a different cell within the grid that is adjacent to the currently active cell, and wherein in response to a single user command, if the different cell is not currently visible in a currently displayed portion of the program grid, the single user command causes the system to scroll the plurality of cells in the program grid so that at least some part of the different cell is visible ([0115, 0116]). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the scrollable grid of Ohno into the EPG of Schein. This would enable the user to view cells that are not currently displayed in the program guide.

Regarding claim 2, Schein discloses wherein said plurality of cells comprises a plurality of columns disposed along a horizontal axis and at least one row disposed along a vertical axis (fig. 1).

Regarding claim 3, Schein discloses wherein the horizontal axis represents time, and said position corresponding to said single point in time is a horizontal position (fig. 1).

Regarding claim 4, Schein discloses wherein said visual indicator is movable relative to the horizontal axis and vertical axis (fig. 1 mouse pointer, col. 4 lines 21-32);

Regarding claim 5, Schein discloses wherein said visual indicator is an information line (fig. 1 7:30 pm line).

Regarding claim 6, Schein discloses wherein said visual indicator indicates one active cell within said grid (col. 4 lines 21-32).

Regarding claim 7, Schein discloses wherein said information line is vertically oriented (fig. 1).

Regarding claim 8, Schein discloses wherein said information line intersects a plurality of said cells (fig. 1).

Regarding claim 9, Schein discloses wherein said visual indicator indicates one active cell within said grid and a visually distinctive segment for indicating said one active cell (fig. 1).

Regarding claim 10, Schein discloses wherein said visual indicator is an icon (fig. (199)).

Regarding claim 11, Schein discloses wherein said visual indicator is a visually distinctive graphical element (fig. 1(199))

Regarding claim 12, Schein discloses further comprising a visual indication of an active row within which said active cell is contained (fig. 19).

Regarding claim 13, Schein discloses wherein said visual indication of said active row (fig. 19), in combination with said visual indicator of said active point in time, indicate said active cell (fig. 1 (199) of Schein).

Regarding claim 14, Schein discloses further comprising a supplemental information display area, wherein said supplemental information display provides information on a program displayed within said active cell (fig. 15).

Regarding claim 24, Schein discloses wherein, in response to a user command to move said visual indicator up, said visual indicator is relocated to a new vertical position without changing said horizontal position (col. 3 lines 59-64, col. 4 lines 22-32).

Regarding claim 25, Schein discloses wherein, in response to a user command to move said visual indicator down, said visual indicator is relocated to a new vertical position without changing said horizontal position (col. 3 lines 59-64, col. 4 lines 22-32).

Regarding claim 26, Schein discloses wherein a first active cell within said grid is indicated, said first active cell displaying program information for a first program (fig. 1, col. 4 lines 6-32).

Regarding claim 27, Schein discloses wherein, in response to a user command to move said visual indicator right, said visual indicator is relocated to a new horizontal

position said new horizontal position corresponding to an end time of said first program (fig. 1, col. 4 lines 6-32).

Regarding claim 28, Schein discloses wherein, in response to said user command to move said visual indicator right, said first active cell is deactivated, and a second cell becomes active, said second cell being located on the same row and to the right of previous said first active cell, said second cell displaying program information for a second program, said second program having a start time equal to said end time of said first program (fig. 1, col. 4 lines 6-32).

Regarding claim 29, Schein discloses wherein, in response to a user command to move said visual indicator left, said visual indicator is relocated to a new horizontal position corresponding to the start time of said grid (fig. 1, col. 4 lines 6-21).

Regarding claim 30, Schein discloses wherein, in response to said user command, said first active cell is deactivated, and a second cell becomes active; said second cell being located to the left of said first active cell; said second cell being the first cell appearing in said grid on said row (fig. 1, col. 4 lines 6-32).

Regarding claim 31, Schein discloses wherein, in response to a user command to move said visual indicator left, said visual indicator is relocated to a new horizontal position corresponding to the start time of a second cell; said second cell being located on the same row and to the left of said first active cell; said second cell being immediately adjacent to said first active cell (fig. 1, col. 4 lines 6-32).

Regarding claim 32, Schein discloses wherein, in response to said user command to move said visual indicator left, said first active cell is deactivated, and said second cell becomes active (fig. 1, col. 4 lines 6-32).

Regarding claims (33-40, 42, 43, 56-64), see the rejections of claims 1-8, 10, 11, 24-32 respectively.

Regarding claims (65-72, 74, 75, 88-96), see the rejections of claims 1-8, 10, 11, 24-32 respectively.

Regarding claims (97-104, 106, 107, 120-128), see the rejections of claims 1-8, 10, 11, 24-32 respectively.

Regarding claims (41, 44-46), see the rejections of claims 9, 12-14 respectively.

Regarding claims (73, 76-78), see the rejections of claims 9, 12-14 respectively.

Regarding claims (105, 108-110), see the rejections of claims 9, 12-14 respectively.

Regarding claim 161, Schein discloses wherein the visual indicator is displayed on all cells of said active point in time disposed within the grid (fig. 1(199)).

Regarding claim 162, see the rejection of claim 161.

2. Claims 15-23, 47-55, 79-87, 111-119 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein (US 6,412,110) in view of Ohno (US 2002/0066099) in view of Broadus (US 2002/0144264).

Regarding claim 15, Schein in view of Ohno does not disclose a duration strip that provides a visual indication of airing time for a program displayed within said active cell.

In analogous art, Broadus discloses a duration strip that provides a visual indication of airing time for a program displayed within said active cell (fig. 5(514)).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the duration strip of Broadus into the program guide of Schein in view of Ohno. This would enable the user to see how much a current program has been broadcast.

Regarding claim 16, Schein in view of Ohno does not disclose wherein said duration strip is disposed within said supplemental information display area

However, Broadus discloses wherein said duration strip is disposed within said supplemental information display area (fig. 5 (514) of Broadus).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the duration strip of Broadus into the program guide of Schein in view of Ohno. This would enable the user to see how much a current program has been broadcast.

Regarding claim 17, Schein in view of Ohno does not disclose wherein said duration strip is movable to correspond with movement of said visual indicator of said active cell.

However, Broadus discloses wherein said duration strip is movable to correspond with movement of said visual indicator of said active cell ([0074-0075] of

Art Unit: 2426

Broadus *The duration strip, as well as the information line are dependent upon the current time).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the duration strip of Broadus into the program guide of Schein in view of Ohno. This would enable the user to see how much a current program has been broadcast.

Regarding claim 18, Schein in view of Ohno does not disclose wherein said duration strip comprises a visual indication that a portion of said airing time of said program is not displayed within said grid

However, Broadus discloses wherein said duration strip comprises a visual indication that a portion of said airing time of said program is not displayed within said grid (fig 5 (512) of Broadus).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the duration strip of Broadus into the program guide of Schein in view of Ohno. This would enable the user to see how much a current program has been broadcast.

Regarding claim 19, Schein in view of Ohno does not disclose further comprising a descriptive label that provides additional information on a program displayed within said active cell.

However, Broadus discloses further comprising a descriptive label that provides additional information on a program displayed within said active cell (fig. 5(514) of Broadus).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the duration strip of Broadus into the program guide of Schein in view of Ohno. This would enable the user to see how much a current program has been broadcast.

Regarding claim 20, Schein in view of Ohno does not disclose wherein said descriptive label is disposed within said supplemental information display area

However, Broadus discloses wherein said descriptive label is disposed within said supplemental information display area (fig. 5(514) of Broadus *The cell is the supplemental information display area*).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the duration strip of Broadus into the program guide of Schein in view of Ohno. This would enable the user to see how much a current program has been broadcast.

Regarding claim 21, Schein in view of Ohno does not disclose wherein said descriptive label is movable to correspond with movement of said information line.

However, Broadus discloses wherein said descriptive label is movable to correspond with movement of said information line ([0070-0071] of Broadus *The duration bar and the information line move according to the current time*).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the duration strip of Broadus into the program guide of Schein in view of Ohno. This would enable the user to see how much a current program has been broadcast.

Regarding claim 22, Schein in view of Ohno does not disclose wherein the alignment of said descriptive label with respect to said information line depends upon the alignment of said information line with respect to the start of said active cell

However, Broadus discloses wherein the alignment of said descriptive label with respect to said information line depends upon the alignment of said information line with respect to the start of said active cell ([0070-0071] of Broadus).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the duration strip of Broadus into the program guide of Schein in view of Ohno. This would enable the user to see how much a current program has been broadcast.

Regarding claim 23, Schein in view of Ohno does not disclose wherein text displayed in said supplemental information display area wraps around said descriptive label.

However, Broadus discloses wherein text displayed in said supplemental information display area wraps around said descriptive label (fig. 5 of Broadus *The cell is wrapped around the duration bar*).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the duration strip of Broadus into the program guide of Schein in view of Ohno. This would enable the user to see how much a current program has been broadcast.

Regarding claims 47-55, see the rejections of claims 15-23, respectively.

Regarding claims 79-87, see the rejections of claims 15-23, respectively.

Art Unit: 2426

Regarding claims 111-119, see the rejections of claims 15-23, respectively.

Response to Arguments

In response to applicant's argument:

Time line 199 merely represents the current time. Nowhere does Schein disclose or suggest that time line 199 is movable (relative to an axis representing time) in response to user commands.

If time line 199 were movable relative to the axis representing time based on user commands, then its location would fail to represent the "current time"!

No person of ordinary skill in the art would interpret time line 199 to be movable relative to the axis (representing time) in response to user commands. Further, no person would be led to modify Schein to move axis 199 in the manner recited in claim 1, since such a modification would destroy its functionality as an indicator of the current time.

Ohno reference is now used to disclose the user commands portion of claim 1 ([0115, 0116]). Examiner respectfully disagrees with the argument that Schein's timeline cannot be movable relative to the axis. Schein's timeline (199) is placed vertically at the current point in time. In Ohno, the program guide will change the displayed grids in order to accommodate any scrolling ([0115, 0116], fig. 14). If a user were to scroll to the next cell which is out of view, the EPG grid would display cells within a different section of time. As a result, Schein's timeline would move relative to the horizontal axis because a different section of time is displayed (ie. a timeline at current time 8:32 pm would be displayed at different locations in a grid that displays programs from 7-10pm as opposed to 8-11pm).

In response to applicant's argument:

Art Unit: 2426

Further, since the entire time line 199 is dotted, time line 199 does not have a portion specifying the active cell, which is visually different from another portion of said visual indicator, as required by claim 1. Rather, the time line 199 is dotted across all cells (active or not) positioned at the current time.

Moreover, since the entire time line 199 is dotted, any portion that is "visually different" from another portion does not specify an active cell.

If the Examiner intended to refer to the solid portions of dotted time line 199 versus the empty portions of the time line, then this characteristic (dotted portion versus empty portion) would fail to indicate an active cell. And, the pattern of the time line at which it crosses the active cell is the same as the pattern of the line that crosses the non-active cells.

Thus, time line 199 fails to anticipate the visual indicator recited in claim 1.

Examiner respectfully disagrees. The cells that are intersected by Schein's timeline

(199) can be interpreted to represent active cells. Since the cells that are intersected by the timeline are currently displayed programs, they are considered active. Because the timeline is a dotted line, one portion of the timeline will be different from another portion of the timeline (fig. 1).

In response to applicant's argument:

This paragraph refers to scrolling the program guide screen and mentions a "reference cell". The reference cell is not an "active cell". It is simply a reference position (uppermost left position in FIG. 2) from which indexes may be calculated. (Col. 5, lines 5-14). The cited paragraph does not refer to any "visual indicator" for indicating an active cell at a single, active point in time in the grid, as recited in Applicant's claim 1. So this paragraph appears not to disclose the features of the claimed "visual indicator" that are missing in Schein.

Arguments are moot in view of new grounds of rejection.

In response to applicant's argument:

Art Unit: 2426

The Office Action suggests incorrectly that Schein's time line 199 anticipates specific characteristics and/or movements recited in various dependent claims. For example, Applicant notes the characteristics and/or movements recited in claims 4, 6, 9, 24-32 cannot possibly read on Schein's time line 199.

For example, how can time line 199 indicate "one active cell" (claims 4 and 9) or move up (claim 24)?

Further, regarding claims 4, 6, 24-32, the Office Action refers to Schein's "mouse pointer" when the rejection of claim 1 is based on the time line 199, not the mouse pointer.

Examiner respectfully disagrees. Applicant claims two variations of the visual indicator.

Claim 5 discloses a vertical information line while claim 10 discloses an icon. Schein does not limit the invention to the use of only one visual indicator. In Schein, both the mouse pointer and timeline are used simultaneously to help the user navigate the EPG (fig. 1). Therefore, the mouse pointer and timeline can both be used to represent the visual indicator of claim 1.

In response to applicant's argument:

Broadus does not disclose alone or in combination with Schein or Yamashita, said visual indicator including a position corresponding to a single point in time of an active cell within said grid, wherein said visual indicator is movable relative to the axis in response to user commands, and each up, down, left or right user command causes the visual indicator to move to and activate a different cell within the grid that is adjacent to the currently active cell, in the context of the other elements of Applicant's independent claims 1 and 33, for example.

Arguments are moot in view of new grounds of rejection.

Conclusion

Art Unit: 2426

Claims 1-128, 161, 162 are rejected.

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HYUN HONG whose telephone number is (571)270-1553. The examiner can normally be reached on M-F (9:30a-7:00p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hirl can be reached on (571)272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. H./

Examiner, Art Unit 2426

Application/Control Number: 10/065,075

Page 16

Art Unit: 2426

/JOSEPH P. HIRL/

Supervisory Patent Examiner, Art Unit 2426

August 1, 2011